

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

VOLODIMYR PIGIDA,

Defendants.

CASE NO. CR18-294RSM

ORDER RE: DISPUTED MOTIONS IN
LIMINE

This matter comes before the Court on the United States' Motion in Limine to Admit Evidence of Prior Scheme (Dkt. #203). This Motion is DEFERRED.

The United States alleges that when defense counsel said that "Mr. Pigida sunk everything he had into TSP" including funds from another venture Interway, and suggested this fact shows Defendant's good intent, defense counsel opened the door to evidence that Defendant persuaded several witnesses to deposit money in Interway bank accounts in 2011 and 2012 in a work-from-home scheme similar to the scheme run by TSP and that such testimony should be admitted as inexplicably intertwined evidence, or alternatively, under Federal Rule of Evidence 404(b).

Arguments made by counsel during opening statement are not testimony. As such, the Court will defer ruling on the admissibility of witness testimony regarding Defendant's prior

1 ventures including Interway and Light Business Marketing. This order does not bar the United
2 States from renewing their arguments if defense counsel does in fact open the door during
3 direct or cross examination.

4 **CONCLUSION**

5 Having reviewed the briefing for this Motions, along with the remainder of the record,
6 the Court hereby finds and ORDERS that the Motion in Limine (Dkt. #203) is DEFERRED.

7 DATED this 17 day of November, 2022.

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10 RICARDO S. MARTINEZ
11 UNITED STATES DISTRICT JUDGE
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